

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~STRIKEOUT~~
NEW LANGUAGE: UNDERLINE

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AMENDING CHAPTER 14, ARTICLE 2,
DIVISION 4 BY AMENDING SECTIONS 142.0403 AND
142.0413 OF THE SAN DIEGO MUNICIPAL CODE,
RELATING TO INCORPORATING ADDITIONAL WATER
CONSERVING REQUIREMENTS IN COMPLIANCE WITH
THE STATE OF CALIFORNIA WATER CONSERVATION IN
LANDSCAPING ACT.

§142.0403 **General Planting and Irrigation Requirements**

All planting, irrigation, brush management, and landscape-related improvements required by this division must comply with the regulations in this section and with the Landscape Standards in the Land Development Manual.

(a) [No change in text.]

(b) Plant Material Requirements

(1) through (14) [No change in text.]

(15) Plant materials shall be grouped into hydrozones that consist of plant species having similar water demand and by their soil, sun, and shade requirements.

(16) Plant material shall be selected to meet a maximum applied water allowance as determined by the water budget formula and specifications in Section 142.0413(d).

(c) through (d) [No change in text.]

§142.0413 Water Conservation

(a) Landscape Area. For the purposes of Section 142.0413, landscape area means the entire premises, less the area of building footprints, non-irrigated portions of parking lots, driveways, hardscapes, and areas designated for habitat preservation or brush management Zone Two.

(ab) Lawn Area Requirements.

(1) Lawn areas shall not exceed 10 percent of the landscape area on a premises, excluding required common areas, active recreation areas, and areas located within the public right-of-way between the curb and public sidewalk. This restriction does not apply to single dwelling units residential uses in residential zones.

(2) Lawn areas bounded by impervious surfaces on two or more sides must have minimum dimensions of 8 feet in all directions unless subsurface or low volume irrigation is used.

(3) Lawn areas located on slopes, where the toe of the slope is adjacent to hardscape, shall not exceed a gradient of 25 percent (4:1).

(bc) Mulch Requirements. All required planting areas and all exposed soil areas without vegetation shall be covered with mulch to a minimum depth

of 2 inches, excluding slopes requiring revegetation and area planted with ground cover. All exposed soil areas without vegetation shall also be mulched to this minimum depth.

(d) Water Budget.

(1) Developments listed in Table 142-04I shall be subject to a water budget.

Table 142-04I
Water Budget Applicability

<u>Type of Development</u>	<u>Landscape Area Threshold</u>
<u>New non-residential development</u>	<u>1,000 square feet and greater</u>
<u>New multiple dwelling unit development</u>	<u>1,000 square feet¹ and greater</u>
<u>New single dwelling unit development subdivisions</u>	<u>All subdivider installed landscape</u>

Footnote to Table 142-04I

¹ Total area of landscape in the development's common areas.

(2) The water budget is calculated using the following formula (see Section 2.6 and Appendix E of the Landscape Standards of the Land Development Manual for additional information):

$$\text{Water Budget} = (ET_o)(0.62) [(0.7)(LA) + (0.3)(SLA)]$$

Where:

ET_o = Evapotranspiration (inches per year)

0.62 = Conversion Factor (to gallons)

0.7 = Evapotranspiration Adjustment Factor

LA = Landscaped Area (square feet)

0.3 = Evapotranspiration Adjustment Factor for Special
Landscape Area and Reclaimed Water

SLA = Special Landscape Area

(3) The irrigation system is required to be operated within the
approved water budget.

(4) The estimated total water use, as calculated in Section 2.6 of the
Landscape Standards of the Land Development Manual shall not
exceed the water budget as calculated in Section 142.0413(d)(2).

(e) Water Meters.

(1) Dedicated landscape irrigation meters shall be required in all new
development with a landscape area greater than or equal to 5,000
square feet; except that this requirement shall not apply to new
single dwelling unit development or to the commercial production
of agricultural crops or livestock.

(2) Landscape irrigation submeters shall be required in the following
developments:

(A) New single dwelling unit development;

(B) Improvements to existing industrial, commercial and
multiple dwelling unit development when:

(i) The improvement requires a building permit as
identified in Table 142-04A; and

(ii) The landscape area is 1,000 square feet and greater.

- (f) Irrigation Audit. An applicant subject to the requirement for a water budget in Table 142-04I is required to conduct and submit to the City an irrigation audit consistent with Section 2.7 of the Landscape Standards of the Land Development Manual.
- (1) All irrigation audits shall be conducted by a California registered landscape architect, a licensed landscape contractor, or other professional licensed by the State to perform this work.
- (2) The irrigation audit shall certify that all plant material, irrigation systems, and landscape features have been installed and operate as approved by the City; and shall be submitted to the City prior to occupancy and use.
- (g) Reclaimed water. New development in areas where reclaimed water is available and suitable for irrigation shall provide for a dual water distribution system for all landscaped areas. Only reclaimed water shall be used for irrigation purposes where it is available.

JLG:hm
09/29/09.COR.COPY
Or.Dept:DSD
O-2010-11
MMS#7806

CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

EFFECTIVE DATE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AMENDING CHAPTER 14, ARTICLE 2,
DIVISION 4 BY AMENDING SECTIONS 142.0403 AND
142.0413 OF THE SAN DIEGO MUNICIPAL CODE,
RELATING TO INCORPORATING ADDITIONAL WATER
CONSERVING REQUIREMENTS IN COMPLIANCE WITH
THE STATE OF CALIFORNIA WATER CONSERVATION IN
LANDSCAPING ACT.

This ordinance amends Chapter 14, Article 2, Division 4 by amending Sections 142.0403 and 142.0413 of the San Diego Municipal Code relating to incorporating additional water conserving requirements in compliance with the State of California Water Conservation in Landscaping Act (California Government Code section 65591 et seq.).

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public prior to the day of its final passage.

This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

JLG:hm
09/28/09.2 COR.COPY
Or.Dept:DSD
O-2010-11
MMS#7806

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 14, ARTICLE 2, DIVISION 4 BY AMENDING SECTIONS 142.0403 AND 142.0413 OF THE SAN DIEGO MUNICIPAL CODE, RELATING TO INCORPORATING ADDITIONAL WATER CONSERVING REQUIREMENTS IN COMPLIANCE WITH THE STATE OF CALIFORNIA WATER CONSERVATION IN LANDSCAPING ACT.

WHEREAS, the City of San Diego first adopted a landscape ordinance in 1986 to improve the appearance, quality and quantity of landscaping visible from public rights-of-way and adjacent properties; and

WHEREAS, in 1997, the City adopted an expanded landscape ordinance that included regulations to conserve water through low-water-using planting and irrigation design; minimizing the erosion of slopes and disturbed lands through revegetation; conserving energy by the provision of shade trees over streets, sidewalks, parking areas, and other paving; and reducing the risk of fire through site design and the management of flammable vegetation; and

WHEREAS, in 1997, the City adopted the Landscape Standards of the Land Development Manual to include technical information and guidance on the implementation of the requirements of the landscape ordinance; and

WHEREAS, in 2006, the State of California amended the Water Conservation in Landscaping Act (California Government Code section 65591 et seq.) to require all cities, including charter cities, to either implement the state

model landscape ordinance [Model Ordinance], or adopt a landscape ordinance that is at least as effective in conserving water as the Model Ordinance by January 1, 2010; and

WHEREAS, by adopting the amendments to sections 142.0403 and 142.0413 contained in this ordinance, the City's landscape regulations will be at least as effective in conserving water as the Model Ordinance; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 14, Article 2, Division 4 of the San Diego Municipal Code is amended by amending Sections 142.0403 and 142.0413 as follows:

§142.0403 General Planting and Irrigation Requirements

All planting, irrigation, brush management, and landscape-related improvements required by this division must comply with the regulations in this section and with the Landscape Standards in the Land Development Manual.

- (a) [No change in text.]
- (b) Plant Material Requirements
 - (1) through (14) [No change in text.]
 - (15) Plant materials shall be grouped into hydrozones that consist of plant species having similar water demand and by their soil, sun, and shade requirements.
 - (16) Plant material shall be selected to meet a maximum applied water allowance as determined by the water budget formula and specifications in Section 142.0413(d).

(c) through (d) [No change in text.]

§142.0413 Water Conservation

- (a) Landscape Area. For the purposes of Section 142.0413, landscape area means the entire *premises*, less the area of building footprints, non-irrigated portions of parking lots, driveways, *hardscapes*, and areas designated for habitat preservation or brush management Zone Two.
- (b) Lawn Requirements.
- (1) Lawn areas shall not exceed 10 percent of the landscape area on a *premises*, excluding required common areas, active recreation areas, and areas located within the *public right-of-way* between the curb and public sidewalk. This restriction does not apply to *single dwelling units*.
- (2) Lawn areas bounded by impervious surfaces on two or more sides must have minimum dimensions of 8 feet in all directions unless subsurface or low volume irrigation is used.
- (3) Lawn areas located on slopes, where the toe of the slope is adjacent to *hardscape*, shall not exceed a gradient of 25 percent (4:1).
- (c) Mulch Requirements. All required planting areas and all exposed soil areas without vegetation shall be covered with mulch to a minimum depth of 2 inches, excluding slopes.
- (d) Water Budget.

- (1) *Developments* listed in Table 142-04I shall be subject to a water budget.

Table 142-04I

Water Budget Applicability

Type of Development	Landscape Area Threshold
New non residential <i>development</i>	1,000 square feet and greater
New <i>multiple dwelling unit development</i>	1,000 square feet ¹ and greater
New <i>single dwelling unit development subdivisions</i>	All <i>subdivider</i> installed landscape

Footnote to Table 142-04I

¹ Total area of landscape in the *development's* common areas.

- (2) The water budget is calculated using the following formula (see Section 2.6 and Appendix E of the Landscape Standards of the Land Development Manual for additional information):

$$\text{Water Budget} = (\text{ETo})(0.62) [(0.7)(\text{LA}) + (0.3)(\text{SLA})]$$

Where:

ETo = Evapotranspiration (inches per year)

0.62 = Conversion Factor (to gallons)

0.7 = Evapotranspiration Adjustment Factor

LA = Landscaped Area (square feet)

0.3 = Evapotranspiration Adjustment Factor for Special
Landscape Area and Reclaimed Water

SLA = Special Landscape Area

- (3) The irrigation system is required to be operated within the approved water budget.


- (4) The estimated total water use, as calculated in Section 2.6 of the Landscape Standards of the Land Development Manual shall not exceed the water budget as calculated in Section 142.0413(d)(2).
- (e) Water Meters.
- (1) Dedicated landscape irrigation meters shall be required in all new *development* with a landscape area greater than or equal to 5,000 square feet; except that this requirement shall not apply to new *single dwelling unit development* or to the commercial production of agricultural crops or livestock.
 - (2) Landscape irrigation submeters shall be required in the following *developments*:
 - (A) New *single dwelling unit development*;
 - (B) Improvements to existing industrial, commercial and *multiple dwelling unit development* when:
 - (i) The improvement requires a building permit as identified in Table 142-04A; and
 - (ii) The landscape area is 1,000 square feet and greater.
- (f) Irrigation Audit. An *applicant* subject to the requirement for a water budget in Table 142-04I is required to conduct and submit to the City an irrigation audit consistent with Section 2.7 of the Landscape Standards of the Land Development Manual.

- (1) All irrigation audits shall be conducted by a California registered landscape architect, a licensed landscape contractor, or other professional licensed by the State to perform this work.
 - (2) The irrigation audit shall certify that all plant material, irrigation systems, and landscape features have been installed and operate as approved by the City; and shall be submitted to the City prior to occupancy and use.
- (g) Reclaimed water. *New development* in areas where reclaimed water is available and suitable for irrigation shall provide for a dual water distribution system for all landscaped areas. Only reclaimed water shall be used for irrigation purposes where it is available.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from
and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Jana L. Garmo
Deputy City Attorney

JLG:hm
09/29/09 COR.COPY
Or.Dept:DSD
O-2010-11
MMS#7806

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor